

from the lake trout quota established for the waters of Lake Superior east of Bark Point.

1. The total allowable commercial and home use harvest in the waters of Lake Superior east of Bark Point may not exceed 50,600 lake trout during the open season.

2. That number of lake trout to be harvested by non-Indian licensed commercial fishers from the waters of Lake Superior east of Bark Point may not exceed 13,000 lake trout, and from the waters of Lake Superior west of Bark Point may not exceed 600 lake trout, during the open season.

3. That number of lake trout to be harvested by the Red Cliff and Bad River bands, including both commercial and home use fishers, from the waters of Lake Superior east of Bark Point may not exceed 39,600 lake trout during the open season. The Red Cliff and Bad River bands shall inform the department of the extent and method of the allocation between commercial and home use fishers. If the Red Cliff and Bad River bands do not reach an agreement on the method of allocating the tribal quota between them, the department may divide the quota 50% for the Bad River band and 50% for the Red Cliff band.

4. All lake trout caught in gill nets not less than 4½ inch stretch measure set in waters less than 330 feet (55 fathoms) deep shall be kept and tagged. Lake trout caught in gill nets in waters 330 feet (55 fathoms) deep or deeper or in entrapping nets may be returned to the lake or kept and tagged, except that dead lake trout 25 inches or less in length caught in entrapping nets shall be kept and tagged. All lake trout, dead or alive, larger than 25 inches in length caught in entrapping nets shall be returned to the lake. All lake trout and siscowet harvested by commercial and home use fishers shall be tagged in accordance with sub. (3).

5. The department may recall tags furnished or authorized in accordance with sub. (3), when necessary to implement a quota reduction.

(b) *Harvest of fish from Lake Superior for home use by Lake Superior Chippewas.* Members of the Bad River and Red Cliff bands of Lake Superior Chippewas may harvest species of fish for which there is an open season during said season, under home use permits issued by their respective tribal councils.

1. Home use permits will be issued to the heads of households only, and only one permit will be issued to an individual.

2. Permittees are restricted to the use of no more than 350 feet of gill net and sale of fish pursuant to these permits is prohibited. These fishing activities shall be restricted to waters adjacent to the reservations of the Bad River and Red Cliff bands.

(2) **LAKE MICHIGAN AND GREEN BAY.** (a) *Chubs.* The total allowable annual commercial harvest of chubs in Wisconsin waters of Lake Michigan shall be determined by the natural resources board based on recommendations from the department.

1. The total allowable commercial harvest for any license year may not exceed 3,600,000 pounds.

2. No more than 600,000 pounds of the total allowable commercial harvest for any license year may be taken in the northern chub fishing zone.

3. No more than 3,000,000 pounds of the total allowable commercial harvest for any license year may be taken in the southern chub fishing zone.

4. The department reserves 100,000 pounds of the total allowable annual commercial harvest of chubs to be used for special assessment.

(b) *Yellow perch*. The total allowable annual commercial harvest of yellow perch in Wisconsin waters of Lake Michigan and Green Bay shall be determined by the natural resources board based on recommendations from the department.

1. The total allowable commercial harvest in zone 1 for any license year may not exceed 300,000 pounds.

2. The total allowable commercial harvest in zone 2 for any license year may not exceed 13,300 pounds.

3. The total allowable commercial harvest in zone 3 for any license year may not exceed 306,700 pounds.

(c) *Smelt*. The total allowable annual commercial harvest of smelt in Wisconsin waters of Lake Michigan and Green Bay shall be determined by the natural resources board based on recommendations from the department.

1. During April 1 through June 30, 1991, the total allowable commercial harvest of smelt may not exceed 337,665 pounds in Lake Michigan and Green Bay, of which no more than 137,665 pounds may be taken from Green Bay. Thereafter, the total allowable commercial harvest of smelt in any license year may not exceed 2,358,000 pounds in Lake Michigan and Green Bay, of which no more than 830,000 pounds may be taken from Green Bay.

2. The department shall notify all licensed commercial fishers to cease fishing for smelt upon receipt of information that 85% of the period quotas as established in subd. 1. have been harvested except that all nets in the water shall be lifted under s. NR 25.09 (2) (a) 10., and the legal fish in the nets harvested.

(d) *Menominees*. 1. The total allowable annual commercial harvest of menominees in Wisconsin waters of Lake Michigan and Green Bay shall be determined by the natural resources board based on recommendations from the department.

2. The total allowable commercial harvest of menominees in Lake Michigan and Green Bay may not exceed 75,000 pounds in any license year, with no more than 1,000 pounds to be taken from zone 1, 46,000 pounds from zone 2 and 28,000 pounds from zone 3.

(e) *Whitefish*. 1. The total allowable annual commercial harvest of whitefish in Wisconsin waters of Lake Michigan and Green Bay shall be determined by the natural resources board based on recommendations from the department.

2. The total allowable commercial harvest of whitefish in Lake Michigan and Green Bay may not exceed 1,300,000 pounds in any license year, with no more than 118,695 pounds to be taken from zone 1, 1,068,255 pounds from zone 2 and 113,050 pounds from zone 3.

(3) **TAGGING OF FISH.** All fish species or subspecies required to be tagged in accordance with this section shall be tagged with tags furnished or authorized by the department before being brought to any dock or shore when fishing in open water and before being transported when fishing with nets under ice. Such fish shall be individually tagged.

(a) Tags authorized shall be approved in writing by the secretary of the department and shall conform to the following minimum specifications:

1. Tags shall be individually, serially numbered in nonrepeating number series.
2. Tags shall be color-coded by year in a color which does not repeat in the next consecutive year.
3. Tags shall include an appropriate state or tribal identification.
4. Tags shall only be ordered in a number sufficient to limit the harvest to a biologically determined quota.
5. Issuing authorities shall maintain records of tag allotments to individual fishers by tag serial numbers. Tag records shall be open to inspection by state conservation wardens during regular office hours.
6. Tags are valid for use only for the license season.

(b) Untagged fish may not be left unattended.

(c) Untagged fish may not be transferred between watercraft.

(d) Tags shall be locked and remain attached to fish until prepared for final consumption. Tags shall remain with smoked or filleted fish until sold to final consumers. Commercial fishers of the outlying waters or licensed wholesale fish dealers shall not be considered final consumers and must be in possession of tags for smoked and filleted fish.

(e) Tags provided or authorized by the department for tagging fish may not be transferred.

(f) No person may possess or use tags furnished or authorized by the department for tagging fish which have been modified or tampered with.

(g) No treaty fisher may lift nets in Wisconsin waters while in possession of tags issued by a tribe or another state for fish taken in Michigan waters.

(4) **ALLOCATION.** The harvest quotas established shall be allocated to individual commercial fishing licensees in accordance with s. NR 25.07.

(5) **CATCH FEES.** Catch fees to be charged for commercial harvest of fish species whose populations are sustained or supplemented through stocking shall be determined and assessed as follows:

(a) The department shall determine catch fees annually for each fish species population subject to this subsection and shall provide this information upon request by February 15 of each year.

(b) The catch fee for a given fish species population shall be equivalent to the department's direct cost in providing those fish for commercial harvest.

(c) Catch fees shall be charged on a per fish harvested basis.

(d) Catch fees shall be collected through the sale of fish tags furnished or authorized by the department in accordance with sub. (3) at offices indicated on the quota applications provided under s. NR 25.07 (3). The total number of tags that may be purchased by an individual licensee shall be equivalent to that licensee's individual catch quota as determined in accordance with s. NR 25.07.

(e) Unused fish tags purchased in accordance with par. (d) shall be returned by the licensee to the department at the office where purchased within 15 days of the end of the open season for that fish species population. The department shall return the catch fees paid by that licensee for those unused fish tags.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; emerg. am., eff. 5-16-79; am. Register, October, 1979, No. 286, eff. 11-1-79; am. (2) (a), Register, May, 1981, No. 305, eff. 7-1-81; emerg. am. (1) (b) to (d) and (f), r. (1) (e), eff. 7-1-81; am. (1) (b) to (d) and (f), r. (1) (e), Register, August, 1981, No. 308, eff. 9-1-81; emerg. am. (2) (a), eff. 7-1-82; am. (2) (a), Register, September, 1982, No. 321, eff. 10-1-82; am. Register, October, 1982, No. 322, eff. 11-1-82; am. (2) (a) and cr. (2) (b), Register, April, 1983, No. 323, eff. 5-1-83; am. (2) (a) 1. and (3) (f), renum. (2) (a) 3. to be (2) (a) 4., cr. (2) (a) 3., Register, June, 1983, No. 330, eff. 7-1-83; am. (2) (b) 1., Register, June, 1984, No. 342, eff. 7-1-84; am. (2) (a) 1. to 3., Register, July, 1984, No. 343, eff. 8-1-84; reprinted to correct error in (2) (a) 2., Register, August, 1984, No. 344; emerg. am. (1) (a), eff. 1-2-86; emerg. cr. (3) (a) and (g), eff. 4-22-86; emerg. am. (1) (a) 3, eff. 5-1-86; r. and recr. (1) (a), Register, July, 1986, No. 367, eff. 8-1-86; am. (2) (a) 1. to 3. and (b) 1., cr. (2) (c) and (3) (a) and (g), Register, October, 1986, No. 370, eff. 11-1-86; emerg. am. (1) (a) 1. to 3., eff. 3-10-87; am. (1) (a) 1. to 3., Register, December, 1987, No. 384, eff. 1-1-88; am. (2) (c) 3., Register, April, 1988, No. 388, eff. 5-1-88; am. (2) (b) (intro.) and 1., (c) 1., a. (2) (b) 2. and 3., (2) (d) and (e), Register, June, 1989, No. 402, eff. 7-1-89; am. (2) (b) 1., Register, January, 1990, No. 409, eff. 2-1-90; emerg. am. (1) (a) 1. to 4., eff. 11-28-90; emerg. am. (2) (c) (intro.) and 1., r. (2) (c) 2. and 3., eff. 4-1-91; am. (2) (b) 1., Register, June, 1991, No. 426, eff. 7-1-91; am. (1) (a) 1. to 4., Register, July, 1991, No. 427, eff. 8-1-91; am. (2) (c) (intro.) and 1., r. (2) (c) 2. and 3., Register, August, 1991, No. 428, eff. 9-1-91; am. (2) (a) 1. and 2. and (e) 2., Register, March, 1992, No. 435, eff. 4-1-92; emerg. am. (2) (b) 1. eff. 7-1-94; am. (2) (b) 1., Register, January, 1995, No. 469, eff. 2-1-95; am. (2) (a) 2., cr. (2) (c) 2., Register, February, 1995, No. 470, eff. 3-1-95.

**NR 25.07 Individual licensee catch quotas. (1) LAKE SUPERIOR.** The allotment of harvest quotas as established in s. NR 25.06 (1) to individual licensed commercial fishers on Lake Superior shall be by the Lake Superior commercial fishing board upon application in accordance with sub. (3), and as follows:

(a) *Lake trout.* 1. Each licensed commercial fisher shall receive an equal share of the annual lake trout harvest quota established under s. NR 25.06 (1) (a) 2.

2. Allocation of the lake trout quota to individual licensees shall be by issuance of appropriate tags by the department.

(2) **LAKE MICHIGAN AND GREEN BAY.** The allotment of harvest quotas as established in s. NR 25.06 (2) to individual licensed commercial fishers on Lake Michigan and Green Bay shall be by the Lake Michigan commercial fishing board upon application in accordance with sub. (3), as follows:

(a) *Chubs.* 1. A chub fishing permit shall be issued under this subdivision to each applicant who selects the northern chub fishing zone under sub. (3) (d), is a licensed commercial fisher and held a Lake Michigan Register, February, 1995, No. 470

chub harvest permit for the northern chub fishing zone for the 1985-1986, 1986-1987 or 1987-1988 license year.

1m. A chub fishing permit and individual licensee catch quota shall be issued under this subdivision to each applicant who selects the southern chub fishing zone under sub. (3) (d) and is a licensed commercial fisher.

2. All permittees under subd. 1. who select the northern chub fishing zone under sub. (3) (d) shall be subject to the following limitations:

a. No more than 150,000 pounds of chubs may be harvested during the quota period of July 1 through September 30; no more than 250,000 pounds of chubs may be harvested during the quota period of October 1 through January 15 except that this amount shall be increased to include the portion of the allowable harvest for the previous period that is not reported as harvested in that period or decreased by the amount the reported harvest during the previous period exceeded the harvest limit for that period; and no more than 200,000 pounds of chubs may be harvested during the quota period of March 1 through June 30 except that this amount shall be increased to include the portion of the allowable harvest for the previous period that is not reported as harvested in that period or decreased by the amount the reported harvest during the previous period exceeded the harvest limit for that period.

b. During the quota periods of July 1 through September 30 and October 1 through January 15, the department shall notify all licensed commercial fishers to cease fishing upon receipt of information that 85% of the period quotas as established in subpar. a. have been harvested except that all nets in the water shall be lifted under s. NR 25.09 (2) (a) 10., and the legal fish harvested. During the quota period of March 1 through June 30, the department shall notify all licensed commercial fishers to cease fishing upon receipt of information that 80% of the period quota as established in subpar. a. has been harvested except that all nets in the water shall be lifted under s. NR 25.09 (2) (a) 10., and the legal fish harvested.

3. All permittees under subd. 1m. who select the southern chub fishing zone under sub. (3) (d) shall be subject to the following limitations:

a. In the southern chub fishing zone, 90% of the harvest quota established in s. NR 25.06 (2) (a) 3. shall be allotted to 32 individual permittees as follows:

Fisher Rank	Percent of Allotted Quota
1-5	3.94
6-10	3.64
11-15	3.34
16-20	3.04
21-25	2.74
26-30	2.44
31-32	2.15

1) The fisher rank of each individual permittee shall be based on their individual authorized regular season chub harvest from April 1, 1981 through December 31, 1982. This harvest determination shall be based

on the permittee's reported catch during that period adjusted to the legal amount under subd. 1, b. 4) and 5), Register, June, 1981, No. 306. The highest resulting number shall be assigned the fisher rank of 1, and the following numbers assigned sequential ranks until the 32 individual quota allotments are all assigned. If there are any ties for a given fisher rank, a public drawing will be conducted by the department and the permittee selected will receive that fisher rank. The permittee or permittees not selected will go to the next lower fisher rank. Additional drawings will be conducted as needed to resolve all ties. Any remaining permittees not receiving individual quota allotments shall fish under the provisions of subpar. b.

2) No individual quota allotted under subpar. a. may exceed 70,000 pounds, until each individual allotted quota equals 70,000 pounds. When the quota allotted to an individual permittee reaches 70,000 pounds, any additional harvest quota shall be divided equally among the remaining individual allotted quotas not equalling 70,000 pounds. When all individual allotted quotas each equal 70,000 pounds, for a total of 2,240,000 pounds, any further increases shall be divided equally among the individual quota allotments. Quota allotments shall be made in whole pound increments.

Note: If 90% of the harvest quota established in s. NR 25.06 (2) (a) 3. equaled 1,890,000 pounds, permittees in fisher rank 1-5 would have individual quotas of 74,466 pounds. The excess over 70,000 pounds for each would be totalled, being 22,300 pounds, and divided equally among the remaining 27 individual quotas, 826 pounds each.

3) Whenever a vacancy occurs in the number of permittees allotted an individual quota, those permittees ranking below the vacancy shall automatically advance in rank to fill the vacancy. Any vacancy at fisher rank 32 may be filled by the permittee fishing under the provisions of subpar. b. who has the highest total reported regular season chub harvest for the previous 2 license years.

b. In the southern chub fishing zone, 10% of the harvest quota established in s. NR 25.06 (2) (a) 3. shall be allotted to permittees who do not receive individual allotted quotas under subpar. a.

1) No more than 10% of this allotment may be taken by any one permittee during the license year.

3) Whenever the total amount of chubs allocated under subpar. b. 1) does not equal the amount provided in subpar. b., the surplus shall be divided equally among permittees under subpar. b.

d. Any permittee with an individual chub quota allotment under subpar. a. 1) and 2) may transfer up to 100% of his or her allotted chub quota to another permittee with an individual chub quota allotment under subpar. a. 1) and 2). A quota transfer under this subparagraph shall be in effect only during the current license year, and shall be subject to sub. (6).

e. Any permittee with an individual chub quota allotment under subpar. a. may temporarily transfer, for the remainder of the current license year, all or part of his or her individual chub quota allotment to a person who holds a permit under subpar. b., subject to s. NR 25.08 (intro.), (1), (4) and (5). However, a quota transfer approved under s. NR 25.08 (5) is not valid and may not be fished until either of the following occurs:

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1) The transferee reaches his or her limit under subpar. b. 1) upon taking 10% of the "racehorse" allotment made under subpar. b. during the license year; or

2) The department, acting under subpar. f., has closed the southern chub zone "racehorse" fishery by notifying permittees fishing under sub-

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b. Effective July 1, 1990, applied for and received a whitefish fishing permit for zone 3 for the license year preceding the license year for which the permit application is being made; and

c. Reported a commercial harvest of whitefish legally taken from zone 3 between January 1, 1984 and June 30, 1989.

3. Each permittee shall be allowed a total annual harvest or individual licensee catch quota of whitefish assigned as a percentage of the harvest limit established by s. NR 25.06 (2) (d) 2. Each individual licensee catch quota shall be determined by dividing the total whitefish commercial harvest from zone 3 during the period from January 1, 1984 to June 30, 1989 reported under that license by the total reported commercial harvest of whitefish from zone 3 during that period, and multiplying the result by 100.

4. In determining individual licensee catch quotas under subd. 3., the resulting percentages shall be rounded off to hundredths of a percent. The individual licensee catch quotas shall be allocated in whole pound increments.

(3) APPLICATION. (a) Applications for individual licensee catch quotas and fishing permits under this section shall be made annually on forms available from the department and shall be returned to the department no later than April 30 preceding the license year for which application is being made.

(b) To be timely, applications, if mailed, must be postmarked no later than April 30 preceding the license year for which application is being made and if submitted to the department other than by mail must be received and stamped with a date stamp of the department indicating receipt no later than April 30 preceding the license year for which application is being made. Late applications for individual licensee catch quotas and fishing permits may not be acted upon by the department but shall be returned to the applicant.

(c) The applications shall be reviewed by the department and approved or denied no later than June 15 preceding the license year for which application is being made, unless there are circumstances that may prevent the applicant from being a licensed commercial fisher on July 1 of the license year for which application is being made. In those cases, the applicant shall be notified of the approval or denial of the application in conjunction with the notice of approval or denial of the license authorizing commercial fishing on the outlying waters.

(d) Applicants for Lake Michigan chub fishing permits and individual licensee catch quotas under sub. (2) (a) shall select and designate on their applications the northern chub fishing zone, the southern chub fishing zone or both zones as the waters they wish to fish chubs in.

(4) ASSESSMENT QUOTA. Fish harvested under contract for the department for assessment purposes may not be considered part of nor deducted from an individual licensee catch quota.

(5) PERIOD OF VALIDITY. Individual licensee catch quotas and fishing permits determined and issued in accordance with this section shall be issued on a license year basis. They shall be valid only during the open season for the species of fish subject to the harvest quota and only while

the quota holder or permittee holds a valid license authorizing commercial fishing in the waters to which the quota applies.

(6) **REINSTATEMENT OF QUOTA RIGHTS.** If the commercial fishing license of a quota holder is revoked under s. 29.33, Stats., the right to that quota and ranking, if any, shall be reinstated upon reinstatement of the revoked license and upon proper application.

(7) **REALLOCATION OF SURPLUS TOTAL ALLOWABLE COMMERCIAL HARVEST.** If the number of eligible permittees is inadequate to utilize a total allowable commercial harvest established by s. NR 25.06 (2) (a) 3., (d) or (e) and allocated under sub. (2) (a) 3. a., (b), (bg), (br), (d), (e), (f) or (g), the surplus shall be divided permanently among the remaining eligible permittees based on the percentage calculated for each permittee under sub. (2) (a) 3. a., (b), (bg), (br), (d), (e), (f) or (g), respectively.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; emerg. r. and recr. and cr. (2) (a) 1, eff. 5-16-79; r. and recr. Register, October, 1979, No. 286, eff. 11-1-79; r. and recr. (2) (a) 1., Register, June, 1981, No. 306, eff. 7-1-81; emerg. am. (1) (a), eff. 7-1-81; am. (1) (a), Register, August, 1981, No. 308, eff. 9-1-81; emerg. cr. (2) (a) 1. b. 6), eff. 1-2-82; am. (2) (a) (Intro.) Register, April, 1982, No. 316, eff. 5-1-82; emerg. am. (2) (a) 1. b. and c., eff. 7-1-82; am. (2) (a) 1. b. and c. and (3), Register, September, 1982, No. 321, eff. 10-1-82; cr. (2) (a) 1. b. 6), Register, February, 1983, No. 326, eff. 3-1-83; am. (1) and (2), Register, April, 1983, No. 328, eff. 5-1-83; r. and recr. (2) (a) 2., (2) (b) and (3), r. (2) (a) 4. and 5., renum. (2) (a) 3. to be (2) (a) 4. and am., cr. (2) (a) 3., Register, June, 1983, No. 330, eff. 7-1-83; am. (1) (b) 1., (2) (b) 2. c. and 5., cr. (2) (b) 1. c. and d., Register, June, 1984, No. 342, eff. 7-1-84; am. (2) (a) 1. b. and 2. a., renum. (2) (a) 3. c. to be 3. d., cr. (2) (a) 3. c., Register, July, 1984, No. 343, eff. 8-1-84; am. (2) (a) 2, intro. and b., 3. intro. and d., r. and recr. (3) to (6), Register, January, 1985, No. 349, eff. 2-1-85; emerg. am. (2) (a) 3. b. 2), eff. 3-15-85; am. (2) (a) 3. c., renum. (2) (a) 3. d. to be 3. e., cr. (2) (a) 3. d., Register, May, 1985, No. 353, eff. 6-1-85; am. (1) (a), Register, June, 1985, No. 354, eff. 7-1-85; am. (2) (a) 3. b. 2), Register, July, 1985, No. 355, eff. 8-1-85; am. (2) (a) 2. a., Register, August, 1985, No. 356, eff. 9-1-85; am. (1) (d), Register, February, 1986, No. 362, eff. 3-1-86; emerg. am. (2) (a) 3. d., eff. 5-5-86; am. (2) (a) 2. a. and b., r. (2) (a) 2. c., Register, October, 1986, No. 370, eff. 11-1-86; r. and recr. (2) (a) 3. d., Register, December, 1986, No. 372, eff. 1-1-87; cr. (2) (c), Register, January, 1988, No. 385, eff. 2-1-88; am. (2) (a) 3. b., Register, July, 1988, No. 391, eff. 8-1-88; r. (2) (a) 3. d. 3), am. (2) (a) 1. and 3. intro., cr. (2) (a) 1m., r. and recr. (2) (a) 2. a., Register, January, 1989, No. 397, eff. 7-1-89, except (2) (a) 3. d. 3), eff. 2-1-89; r. (2) (a) 4., (b) 4. and (c) 5., am. (2) (b) 5., Register, June, 1989, No. 402, eff. 7-1-89; emerg. renum. (2) (b) 1. to 3. to be 2. to 4. and am. 2. intro., c. and d., 3. c. and 4., cr. (2) (b) 1., (bg) and (d) to (g), eff. 7-1-89; renum. (2) (b) 1. to 3. to be 2. to 4. and am. (2) (b) 2. intro., c. and d., 3. c. and 4., cr. (2) (b) 1., (bg), (br) and (d) to (g), Register, October, 1989, No. 406, eff. 11-1-89; emerg. r. (2) (b) 5. and (c), renum. (2) (d) to (g) to be (2) (c) to (f), am. (3) (a) and (b), eff. 4-1-91; r. (2) (b) 5. and (c), renum. (2) (d) to (g) to be (2) (c) to (f), am. (3) (a) and (b), Register, August, 1991, No. 428, eff. 9-1-91; r. (2) (a) 3. b. 2) and c., (b) 3. b., (bg) 4. and (br) 4., am. (2) (a) 3. d., renum. (2) (a) 3. e., (b) 3. c., (bg) 5. and (br) 5. to be (2) (a) 3. f., (b) 3. b., (bg) 4. and (br) 4., cr. (2) (a) 3. e. and (7), Register, November, 1991, No. 431, eff. 12-1-91; am. (2) (a) 2. a., Register, March, 1992, No. 435, eff. 4-1-92; reprinted to correct error in (2) (a) 2. a., Register, May, 1993, No. 449; am. (1) (a) 2., Register, November, 1993, No. 455, eff. 12-1-93; correction in (2) (a) 2. b. and 3. f. made under s. 13.93 (2m) (b) 7, Stats., Register, November, 1993, No. 456; r. and recr. (2) (a) 1. and 1m., am. (3) (d), Register, March, 1994, No. 459, eff. 7-1-94; am. (2) (a) 2. a., b., Register, February, 1995, No. 470, eff. 3-1-95.

**NR 25.08 Transfer of individual licensee catch quotas.** Individual licensee catch quotas allotted under s. NR 25.07 (1) (a) or (2) (a) 3. a., (b), (bg), (br), (d), (e), (f) or (g) may be transferred by the licensee receiving the quota allocation to another valid licensee authorized to engage in commercial fishing in the waters to which the quota applies, who meets all criteria for receiving such a quota other than previous fishing history, subject to the conditions stated in this section.

(1) Application for individual licensee catch quota transfers shall be made on forms provided by the department.

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(2) All or part of an individual licensee catch quota allotted under s. NR 25.07 (1) (a) or (2) (a) 3.a., (b), (bg), (br), (d), (e), (f), (g) or (h) 3. may be permanently or temporarily transferred by the quota holder.

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(2) LAKE MICHIGAN AND GREEN BAY. (a) *Gill nets*:

1. With a mesh size of not more than 1½ inch stretch measure not exceeding 60 meshes in depth in Green Bay and 30 meshes in depth in Lake Michigan for taking smelt only.

2. With a mesh size of not less than 2¾ inch and not more than 2½ inch stretch measure not exceeding 60 meshes in depth in southern Green Bay only.

3. With a mesh size of not less than 2¾ inch and not more than 2½ inch stretch measure, and not less than 24 meshes and not more than 60 meshes in height, only in the southern chub fishing zone in water more than 150 feet (25 fathoms) deep.

4. With a mesh size of not less than 2½ inch and not more than 2¾ inch stretch measure:

a. For chubs in Lake Michigan and Green Bay, in the northern chub fishing zone only.

b. For other legal fish species in Lake Michigan and Green Bay.

c. May not exceed 18 meshes in depth when set in waters less than 150 feet (25 fathoms) deep in Lake Michigan outside the northern chub fishing zone.

d. May not exceed 60 meshes in depth when set in Green Bay, or in waters 150 feet (25 fathoms) deep or deeper in Lake Michigan, or within the northern chub fishing zone.

6. With a mesh size of not less than 4 inch and not more than 4½ inch stretch measure:

a. Only in southern Green Bay in water less than 30 feet (5 fathoms) deep.

c. From May 20 to March 9, except during the closed season for whitefish.

d. Not more than 30 meshes in depth.

7. With a mesh size of not less than 4½ inch and not more than 6½ inch stretch measure:

a. In those waters of Lake Michigan lying north of a line extending from the mid-channel marker buoy of Bailey's Harbor on 135° bearing.

b. In Green Bay.

c. Only during the open season for whitefish.

d. May not exceed 30 meshes in depth for one-half of the total length of these nets set at any time by a licensed commercial fisher, and the remaining half may not exceed 50 meshes in depth.

8. With a mesh size of not less than 6½" stretch measure:

b. Only during the open seasons for whitefish and yellow perch.

c. Not more than 12 meshes in depth.

9. With a mesh size of 4 inch or larger stretch measure, not to exceed 12,000 feet may be used by each licensed commercial fisher at any one time.

10. Shall be lifted a minimum of:

a. Once every 24 hours (1 day) in open water less than 150 feet (25 fathoms) deep for all mesh sizes in Green Bay and Lake Michigan except as provided in subpar. d.

b. Once every 120 hours (5 days) in open water 150 feet (25 fathoms) deep or deeper for mesh sizes of not more than 2¾ inch stretch measure in Lake Michigan.

c. Once every 48 hours (2 days) in commercial ice fishing.

d. Once every 120 hours (5 days) in open water less than 150 feet (25 fathoms) deep for mesh sizes of not more than 2-¾ inch stretch measure in Lake Michigan.

(b) *Entrapping nets:*

1. Drop nets and fyke nets:

a. Only during the open season for yellow perch, except by permit issued under s. NR 25.10 (4).

b. May be used up to 30 drop nets or fyke nets in aggregate by each licensed commercial fisher, that being the maximum number of pots allowed.

c. Shall be lifted a minimum of once every 72 hours (3 days).

2. Pound nets and trap nets:

a. Only when the pot or crib is set, placed or operated in water not more than 78 feet (13 fathoms) deep.

b. May be used up to 12 pound nets or trap nets in aggregate by each licensed commercial fisher, that being the maximum number of pots or cribs allowed.

c. Shall be lifted a minimum of once every 120 hours (5 days).

d. Shall have the fish holding or pot portion rendered inoperable during the closed season for whitefish and shall have the webbing removed from the water within 14 days after the close of the whitefish season.

e. May be used to take fish in the waters of Lake Michigan lying south of a line extending from the Lake Michigan shoreline along 44°55'50" north latitude only during the period including the day after Labor Day to June 28. Unless the department has granted an extension of time, the webbing shall be removed from the water by June 28 and may not be reinstalled until the day after Labor Day. If adverse weather conditions or unanticipated equipment problems prevent removal of the webbing by June 28, a licensee may request and the department may grant a brief extension of time sufficient to allow safe removal.

(c) *Seines:*

1. With a mesh size of not less than 3 inch stretch measure.

2. Not less than 75 feet in length.

(d) *Trawls:*

1. In southern Green Bay:

a. Only for taking smelt under s. NR 25.06 (2) (c).

b. Only in water more than 65 feet deep.

c. Only north of a line from the southernmost point of Little Tail point to the Green Bay navigation channel entrance light.

d. When used to harvest smelt in Green Bay, diverters with openings no larger than  $\frac{1}{8}$  inch wide shall be used.

2. In Lake Michigan:

a. Only in waters 60 feet (10 fathoms) deep or deeper bounded by a line beginning at a point where 44° 30' north latitude intersects with the Wisconsin shore of Lake Michigan, then proceeding east along 44° 30' north latitude, to its intersection with 87° 10' west longitude, then proceeding south along 87° 10' west longitude to its intersection with 44° 10' north latitude then proceeding west along 44° 10' north latitude to its intersection with 87° 20' west longitude, then proceeding south along 87° 20' west longitude to its intersection with 43° 50' north latitude, then proceeding west along 43° 50' north latitude to its intersection with 87° 40' west longitude, then proceeding north along 87° 40' west longitude to its intersection with 44° 00' north latitude, then proceeding west along 44° 00' north latitude to the Wisconsin shore of Lake Michigan and then north along the shore to the point of beginning. This area can also be described as all of grids 1105, 1205, 1304, 1403 and 1404, and part of grids 1104, 1204 and 1303.

b. Only for taking smelt as provided in s. NR 25.06 (2) (c) except chubs may be harvested during the trawling season for smelt, subject to s. NR 25.07 (2) (a).

c. Beginning July 1, 1991, when used to harvest smelt in Lake Michigan, diverters with openings no larger than 1½ inch wide shall be used.

(3) NET OPERATING REQUIREMENT. (a) Nets do not have to be lifted on Sunday, except as required by notice issued under s. NR 25.07.

(b) The lifting requirements of this section shall apply except during extreme adverse weather conditions which would place a fisher in danger of serious injury or death.

(4) NET MESH MEASUREMENT. Whenever the size of mesh of any net is specified in this chapter, the size shall be considered stretch measure.

(a) Stretch measure shall be determined by exerting a one pound strain on a mesh knot and measuring the mesh opening immediately above that knot on which the strain is applied from the inside edge of that knot to the inside edge of the knot directly opposite. Measurement shall be made by inserting the measuring device at the uppermost knot in the mesh and reading at the lowermost knot.

(b) The weight and measuring devices to be used under par. (a) shall be tested, approved and certified by the Wisconsin department of agri-

culture, trade and consumer protection, or other governmental entity authorized to do so.

(c) Measurement shall be made of meshes in a wet condition.

(d) If the majority of 10 or more meshes selected at random by the enforcement officer from any part or parts of the net are found to be illegal, the entire net shall be considered illegal and shall be seized and held subject to the order of the court.

(5) **MOVEMENT OF COMMERCIAL FISHING GEAR.** Whenever any gill nets, encircling nets or trawls catch illegal fish of any species in an amount equal to 10% or more by weight or numbers of the total legal catch, those nets shall be immediately removed from the water, and may not be reset, placed, replaced, recast or operated during that same day unless:

(a) All parts of the net are moved a distance of at least 3 miles from that site; or

(b) Moved to a water depth where no part of the net is within 30 feet (5 fathoms) in depth of the water depth at which the catch of illegal fish was made.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. (2) (b)2., Register, November, 1977, No. 263, eff. 12-1-77; am. (2) (a)5., Register, June, 1978, No. 270, eff. 7-1-78; emerg. am. (1), (2) (a) (intro.), 3. and 9., eff. 5-16-79; am. Register, October, 1979, No. 286, eff. 11-1-79; am. (2) (a) 3., Register, May, 1981, No. 305, eff. 7-1-81; emerg. r. and recr. (3) (a) 4., r. (5) (a) 3., renum. (5) (b) to be (5) (c), cr. (5) (b), eff. 7-1-81; r. and recr. (3) (a) 4., r. (5) (a) 3., renum. (5) (b) to be (5) (c), cr. (5) (b), Register, August, 1981, No. 308, eff. 9-1-81; renum. (5) and (6) to be (6) and (7), renum. (4) (g) to be (5) (a), renum. (4) (h) and (i) to be (5) (b) and (c) and am., cr. (5) (intro.), Register, November, 1981, No. 311, eff. 12-1-81; am. (2) (a) 9. and (2) (b) 2., Register, April, 1982, No. 316, eff. 5-1-82; renum. (5) and (6) to be (6) and (6m), cr. (5), Register, October, 1982, No. 322, eff. 11-1-82; am. (2) (a) 2. and (5) and r. (6) (b) and (c), Register, April, 1983, No. 328, eff. 5-1-83; r. and recr. Register, June, 1984, No. 342, eff. 7-1-84; renum. from NR 25.08 and am. (1) (b) 2. and (2) (b) 1.a., Register, January, 1985, No. 349, eff. 2-1-85; am. (2) (a) 6.a., Register, August, 1985, No. 356, eff. 9-1-85; emerg. am. (1) (a) 4. b., eff. 4-22-86; am. (1) (a) 4. b., renum. (2) (a) 3. to 9. to be 4. to 10. and am. 5. and 10. a. and b., cr. (2) (a) 3., 4. c. and d., r. and recr. (2) (d) 2., Register, October, 1986, No. 370, eff. 11-1-86; am. (2) (d) 2. c., Register, April, 1988, No. 388, eff. 5-1-88; am. (2) (a) 10. a., cr. (2) (a) 10. d., Register, July, 1988, No. 391, eff. 8-1-88; am. (2) (a) 1. and 2., 4.a., c. and d., (b) 2.d., r. and recr. (2) (a) 3., r. (2) (a) 5., 6.b. and 8.a., cr. (2) (b) 2.c. and (d) 1.d., Register, June, 1989, No. 402, eff. 7-1-89; emerg. am. (1) (a) 4. a., (2) (b) 2. e., (d) 1. a., b. and d., 2. b., cr. (1) (a) 4. bm. and d. to g., (b) 6., r. and recr. (2) (d) 2. c., eff. 4-1-91; am. (1) (a) 4. a., cr. (1) (a) 4. bm., d. to g. and (b) 6., Register, July, 1991, No. 427, eff. 8-1-91; am. (2) (b) 2. e., (2) (d) 1. a., b. and d., 2. b., r. and recr. (2) (d) 2. c., Register, August, 1991, No. 428, eff. 9-1-91; am. (1), Register, November, 1993, No. 455, eff. 12-1-93; am. (2) (b) 2. e., Register, February, 1995, No. 470, eff. 3-1-95.

**NR 25.10 Restricted commercial fishing areas.** The following restrictions apply to the use of the specified commercial fishing gear in the indicated areas:

(1) **LAKE SUPERIOR.** (a) No commercial fishing gear of any kind except nets by permit issued under sub. (4) for the taking of rough or detrimental fish, or entrapping nets by permit issued under sub. (4) for the taking of whitefish may be used, set, placed or operated in the following waters:

1. Allouez bay, Superior bay, and St. Louis bay, all in Douglas county and as described in s. 29.015, Stats.

2. All waters within one-fourth mile of the mouth of any navigable stream flowing into Lake Superior.

3. All waters within one-fourth mile of any harbor, pier or breakwater from April 15 through November 30.

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4. That portion of Chequamegon bay lying south of a line beginning at the easternmost point of Houghton point in section 27, township 49 north, range 4 west, Bayfield county, then proceeding northeasterly to the signal light on the western end of Long island in section 13, township 48 north, range 4 west, Ashland county, then along the south or west shore of Long island and on across the cut, if present, along the south or west shore of Chequamegon point to where Chequamegon point joins the mainland in section 1 or 12, township 48 north, range 3 west, Ashland county.

(b) No commercial fishing gear of any kind except nets by permit issued under sub. (4) for the taking of rough or detrimental fish may be used, set, placed or operated in the following waters:

1. All waters bounded by a line beginning at the mouth of Graveyard creek in section 3, township 47 north, range 1 west, extending north to the Gull Island Shoals refuge south boundary as described in s. NR 26.23 (1) (a), then east to the Wisconsin-Michigan state line, then southerly along the state line to the shore at the mouth of the Montreal river in section 7, township 47 north, range 1 east, all in Iron county, except from November 15 through December 15 in water 84 feet (14 fathoms) deep or deeper, when and where gill nets with a mesh size of not less than 2½ inch and not more than 3 inch stretch measure may be used for taking lake herring.

2. That portion of Siskiwit bay lying south of a line extending from Roman (Quarry) point in section 29, township 50 north, range 6 west, to Squaw point in section 22, township 50 north, range 6 west, all in Bayfield county.

3. All waters bounded by a line beginning at the signal light on the western end of Long island in section 13, township 48 north, range 4 west, then extending northeasterly to the southernmost point of Madeline island in section 6, township 49 north, range 4 west, then due east to the western boundary of Gull Island Shoals refuge as described in s. NR 26.23 (1) (a), then southerly along the refuge boundary latitude 46° 40', then due west to the mainland shoreline, then northwesterly along the shoreline to the point of beginning, all in Ashland county, except waters within 1½ miles of the mainland shoreline in Ashland county.

4. All waters less than 90 feet (15 fathoms) deep lying between a point extending due north from the mouth of the Iron river in section 34, township 50 north, range 9 west, and a line extending due north from the mouth of the Cranberry river at Herbster in section 5, township 50 north, range 7 west, all in Bayfield county.

5. All waters less than 210 feet (35 fathoms) deep lying between a line extending due north from the mouth of the Iron river in section 34, township 50 north, range 9 west, Bayfield county, and the Wisconsin-Minnesota state line, except all waters more than 90 feet (15 fathoms) deep lying between a line extending due north from the mouth of the Iron river and a line extending due north from the mouth of the Bois Brule river in section 10, township 49 north, range 10 west, Douglas county, where gill nets with a mesh size of 3 inches or less stretch measure may be used from November 15 through December 31.

6. All waters less than 72 feet (12 fathoms) deep lying between a line extending due north from the mouth of the Cranberry river at Herbster

in section 5, township 50 north, range 7 west, and a line extending due north from the northernmost point of Roman (Quarry) point in section 29, township 50 north, range 6 west, all in Bayfield county, except that portion of Bark bay lying southwesterly of a line beginning at Roman (Quarry) point and extending northwesterly to Bark point in section 24, township 50 north, range 7 west, all in Bayfield county, which shall be open from April 1 through May 31.

7. All waters less than 54 feet (9 fathoms) deep or within one mile of the mouth of any stream flowing into Lake Superior, lying between a line extending due east from the breakwall light at Port Superior in Pikes bay in section 27, township 50 north, range 4 west, and a line extending due east from the easternmost point of Houghton point in section 27, town-

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